



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

APR 27 2015

Mr. Robert J. Touhey, PE
Safety, Health, and Environment Manager
Croda, Inc.
315 Cherry Lane
New Castle, DE 19720

**Re: Notice of Violation
Compliance Evaluation Inspection
June 23-24, 2015
EPA ID No. – DED002342020**

Docket Number: R3-16-NOV-RCRA-012

Dear Mr. Touhey,

On June 23 and 24, 2015, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Delaware Regulations Governing Hazardous Waste ("DeRGHW") and the Resource Conservation and Recovery Act ("RCRA") as amended, 42 U.S.C. Sections 6901 et seq. at Croda, Inc. ("Croda" or "Facility"). Based on that inspection and/or review of other pertinent information, EPA has determined that the Facility is violating regulations promulgated under DeRGHW and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV")**. The specific violations are as follows:

1. The Facility failed to conduct Hazardous Waste Accumulation Area ("HWAA") inspections on a weekly basis. EPA inspector noted that HWAA weekly inspection documents were missing on 17 occasions between 2012 and 2015. Large Quantity Generators ("LQGs") of hazardous waste are required to conduct at least weekly inspections of each HWAA at the facility as per DeRGHW 265.174 [40 CFR 265.174].
2. The Facility failed to maintain employee training records, employee job titles, and employee job descriptions. EPA inspector noted that the Facility did conduct annual RCRA hazardous waste training with its employees, but failed to keep a list and/or some form of documentation of employees that partook in that training. The Facility also failed to maintain job titles and descriptions as they relate to hazardous waste management and



responsibilities for its employees. As per DeRGHW 265.16(d) [40 CFR 265.16(d)], LQGs are required to maintain (1) the job title for each employee related to hazardous waste management, and the name of employees filling each job; (2) employee job descriptions for each of those job titles that include the duties of that employee; and (3) training records for all current personnel until closure of the facility and past personnel for at least three years after they last worked at the facility.

3. The Facility failed to contain hazardous waste in containers that are in good condition. EPA inspector noted that there were 12 rusted drums containing hazardous waste at the time of the inspection. As per DeRGHW 265.171 [40 CFR 265.171], owners and operators of hazardous waste facilities must not store hazardous waste in containers that are not in good condition or leaking.
4. The Facility failed to keep closed a Satellite Accumulation Area ("SAA") container. EPA inspector noted that one of the Facility's SAA containers did not have its lid properly fitted at the time of the inspection leaving an open and visible gap. As per DeRGHW 262.34(c)(1)(i) which references 265.173(a) [40 CFR 265.173(a)], a container holding hazardous waste must remain closed, except when it is necessary to add or remove waste.

Area of Concern

At the time of the inspection, there was a potential for the Facility to accumulate more than 55 gallons of hazardous waste in one of its SAAs. EPA inspector noted that in one SAA, there was a 55 gallon drum as well as a 5 gallon pail accumulating satellite hazardous waste. As per DeRGHW 262.34(c)(1) [40 CFR 262.34(c)(1)], a hazardous waste generator may accumulate up to, not exceeding 55 gallons of hazardous waste in a satellite accumulation area.

A copy of the Inspection Report, documenting the findings of the EPA inspector, is enclosed for your information.

Within **thirty (30) calendar days** of the receipt of this NOV, please submit to EPA a response documenting the measures that the Facility has taken or is taking to achieve compliance with the violations and area of concern noted above or provide an explanation of facts and circumstances, including any relevant documentation, that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to

your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Ms. Rebecca Serfass
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103
Serfass.Rebecca@epa.gov
(p): 215-814-2047



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Date: April 27, 2016

Enclosure

cc: K. J'Anthony, DNREC, w/o enc.

P. Belgiovane, 3LC70, w/o enc.

R. Serfass, 3LC70, w/o enc.